

APR 08 2009

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3700
Attorney Docket No. 103477-0007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gary Mills et al.

Serial No. 10/549,330

Examiner: Brian Szmal

Confirmation No. 6689

Filed: 12 September 2005

Group Art Unit: 3736

For: METHODS OF AND APPARATUS FOR DETERMINING FLUID VOLUME
PRESENCE IN MAMMALIAN TISSUE

Date: 8 April 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REMARKS SUBMITTED WITH REQUEST FOR TWO MONTH EXTENSION-OF-
TIME TO RESPOND**

On 30 March 2009, applicant submitted a Notice of Appeal and Pre-Appeal Brief Request for Review. Therewith, applicant also submitted a request for a one (1) month Extension-of-Time to Respond to the Final Office Action, and authorization to withdraw the required sixty-five dollar (\$65) fee from the deposit account associated with applicant's representatives. However, inasmuch as the mailing date of the Final Office Action was 17 November 2008, applicant should have submitted a request for a two (2) month Extension-of-Time to Respond and the corresponding two hundred forty-five dollar (\$245) fee.

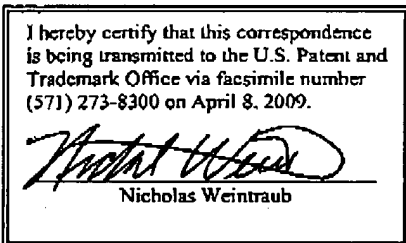
Therefore, applicant herewith submits the required two (2) month Extension-of-Time to Respond, still within the proper time for doing so (i.e., prior to 17 April 2009). Additionally, applicant authorizes the Office to withdraw an additional one hundred eighty dollars (\$180) from the deposit account associated with applicant's representatives (as designated on the Request). This amount represents the difference between the required \$245 fee for a two (2) month extension-of-time, and the \$65 previously authorized. Thus, the full and correct \$245 fee is provided via the combined deposit account withdrawal authorizations.

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Applicant's representatives confirmed with the USPTO Inventor's Assistance Center, via phone on 8 April 2009, that this approach is proper, efficient, and indeed preferred, to correct the extension of time request and fee underpayment in this application. The Examiner is encouraged to telephone the undersigned at (503) 226-1191 with any concerns regarding the Request submitted herewith, or with this communication.



Respectfully submitted,

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